

sweetener which should be used only by persons who must restrict their intake of ordinary sweets," the blank to be filled in with the percent by weight of saccharin or saccharin salt in such food; and (3) it was represented as a food for special dietary uses by man by reason of its vitamins B, G, A, D, and E content, and its phosphorus, calcium, and potassium content, but its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamins B<sub>1</sub>, G, A, and D, and of the minerals calcium and phosphorus, supplied by the food when consumed in a specified quantity during a period of 1 day, a statement of the quantity of vitamin E and potassium in a specified quantity of the food, and, since the need in human nutrition for vitamin E has not been established, a statement to that effect.

Further misbranding, Section 403 (a), the statement "16.8 grams of butter fat," which appeared on the label, was false and misleading since the article did not contain butter fat; and, Section 403 (i) (2), it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: July 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**7338. Misbranding of "Beawun" Vitamin B<sub>1</sub> Tablets. U. S. v. 708 Envelopes of Beawun Vitamin B<sub>1</sub> Tablets. Default decree of condemnation and destruction. (F. D. C. No. 11218. Sample No. 42584-F.)**

**LIBEL FILED:** December 9, 1943, in the Western District of Washington.

**ALLEGED SHIPMENT:** On or about May 18, 1943, by the American Nutrition Co., from Chicago, Ill.

**PRODUCT:** 708 envelopes, each containing 25 tablets, of the above-named product.

Examination disclosed that the article contained approximately one milligram of vitamin B<sub>1</sub> per tablet, and that it was packaged in an envelope which could easily accommodate ten times as many tablets.

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the statements appearing in the labeling of the article which represented and suggested that it was efficacious to prevent and correct fatigue, flabby digestive muscles, constipation, neuritis, beriberi, polyneuritis, flatulence, dyspepsia, headaches, lack of stamina, a "run-down" feeling, delirium tremens, poor appetite, and subnormal growth; and that nutrition surveys show that the average child and adult in the United States does not receive enough thiamine (vitamin B<sub>1</sub>) for the highest state of health, were false and misleading since use of the article would not be of value in preventing or correcting the various symptoms, conditions, and diseases named and suggested, and nutrition surveys do not show that the average child and adult receives inadequate amounts of vitamin B<sub>1</sub> (thiamine).

Further misbranding, Section 403 (a), the following statements appearing on the label of the article, (envelope) "\* \* \* contains the full minimum adult daily requirements as set up by the U. S. Food and Drug Department. 25 Beawun tablets are equal in potency of Vitamin B<sub>1</sub> to 438 full size hen eggs—that's over 36 dozen, or 71 Quarts of fresh pasteurized milk, or 46 Lbs Lean Top Round Beef, or 69 lbs. Light Meat Chicken, or 15 Loaves of 100% Unfortified Wheat Bread, or 1040 Raw average common apples or 297 Medium Sized Bananas," were misleading since the statements created the impression that adequate amounts of vitamin B<sub>1</sub> could not be obtained from common foods; that the article possessed all of the nutritional value of the quantities of the foods named; and that the U. S. Food and Drug Administration recommends or endorses the use of a dietary supplement in order to supply the adult minimum daily requirement of one milligram of vitamin B<sub>1</sub>, whereas adequate amounts of vitamin B<sub>1</sub> can be obtained from common foods, the article did not possess all of the nutritional value of the quantities of food named, and the U. S. Food and Drug Administration does not recommend or endorse the use of a dietary supplement to supply the adult minimum daily requirement of vitamin B<sub>1</sub>; and, Section 403 (d), the container of the article was so filled as to be misleading since the envelope containing the article was large enough to hold many more tablets.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1242.

DISPOSITION: January 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.